THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 1879 OF 2006

01-02-2006

Between:

M/s.Lotte India Corporation Ltd., Vijayawada,
rep. by its Authorized Signatory.

……Petitioner

And

The Commercial Tax officer, Nandigama & Others.

…..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 1879 OF 2006

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the

Writ Petition is disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. Any amount already paid towards disputed tax, shall be given credit. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No order as to costs.

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(BILAL NAZKI, J)

1st February 2006

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(D. APPA RAO, J)

ajr